

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JIMMY L. ADKINS, KEREM BAY, LANA
BONGIOVI, CLEMENT CAMPBELL, ANGELO
CARPOLA, ALEXANDER CIOFFI, PATRICK H.
CRAIN, DAVID CRONK, NANCY F. DEBE, DENNIS
DELUCI, CHARLES J. ENGEL, MATTHEW
FARRELL, BENNY FAILLA, ROBERT J. GIANI,
JOHN R. LACKENBAUER, JEAN-PARNELL LOUIS,
WILLIAM J. MAHER, MICHAEL G. MCDOWELL,
JOHN ROSSI, WILLIAM R. SHANNON, FRED H.
SMITH, GARY E. SOBEK, DAMIAN SOBERS,
CARMELA SZYMANSKI, ANTHONY TANZA and
CYNTHIA TORRES,

Plaintiffs,

-against-

GARDA CL ATLANTIC, INC.,

Defendant.

Case No. 16-cv-00641

D'Aguino v. Garda Cl Atlantic., Inc.

**DECLARATION OF STEVEN J. MOSER IN FURTHER SUPPORT OF MOTION TO
VACATE AND REMAND**

I, Steven J. Moser, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I represent the Plaintiffs Kerem Bay, Lana Bongiovi, Clement Campbell, Alexander Cioffi, Angelo Caropola, Patrick Crain, David L. Cronk, Benny Failla, Matthew Farrell, Robert Giani, Michael McDowell, William Maher, John Rossi, Gary Sobek, Damian Sobers, and Cynthia Torres in the above referenced action.

2. I make this declaration in further support of Plaintiffs' Motion to Vacate and Remand.

3. I also respectfully request an extension to file the instant reply papers (as well as Defendant's Opposition thereto) *nunc pro tunc* to April 10, 2024 pursuant to FRCP 6.

4. On January 19, 2024, the Court directed the Plaintiff to file its reply as well as the Defendant's opposition to the motion on or before March 4, 2024. *That date was not entered by the undersigned's calendaring clerk.*

5. On April 2, 2024, upon a routine file review, the failure to calendar the reply date was discovered. I also discovered that we did not have a copy of the deposition transcript of John Rossi, which was necessary to prepare the instant reply.

6. I obtained the complete transcript of John Rossi directly from the court reporter on April 10, 2024 and filed the instant reply the same day.

7. Annexed hereto is a true and correct electronic copy of the relevant pages of the deposition transcript of the Plaintiff John Rossi dated June 29, 2022.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: Huntington, New York
April 10, 2024

Steven John Moser
Steven John Moser